

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NO. CR 08-0787 RB

RENE GARCIA-BORJON,

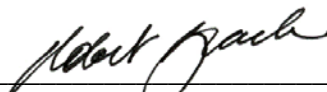
Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER came before the Court on Defendant Rene Garcia-Borjon's Motion for a Judgment of Acquittal, pursuant to Rule 29, filed February 10, 2009. Fed.R.Crim.P. 29. On January 29, 2009, following a two-day trial, the jury delivered its verdict, finding Mr. Garcia-Borjon guilty on one count of conspiracy to bring illegal aliens into the United States and to transport illegal aliens and on two counts of transporting illegal aliens. Rule 29 allows the Court to set aside a guilty verdict if the record evidence is insufficient to sustain a conviction. *Id.* In addressing a Rule 29 motion, "the relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Jackson v. Virginia*, 443 U.S. 307, 319 (1979). Viewed in the light most favorable to the prosecution, the Court finds that the record evidence reasonably supports a finding that Mr. Garcia-Borjon is guilty beyond a reasonable doubt as to all counts of the Indictment.

WHEREFORE,

IT IS HEREBY ORDERED that Defendant's Motion for a Judgment of Acquittal is **DENIED.**



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE